

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

DODGE-REGUPOL, INCORPORATED,  
Plaintiff,

v.

RB RUBBER PRODUCTS, INC.,  
Defendants.

Civil Action No.

Jury Trial Demanded

**COMPLAINT**

Dodge-Regupol, Incorporated (“DRI”) files the following patent infringement claim against RB Rubber Products, Inc. (“RB Rubber”), and alleges in support the following:

**Parties**

1. DRI is a Pennsylvania corporation with its principal place of business at 715 Fountain Ave., Lancaster, Pennsylvania 17601.
2. RB Rubber Products, Inc. (“RB Rubber”) is an Oregon corporation with its principal place of business at 904 NE 10<sup>th</sup> Ave., McMinnville, Oregon 97128.
3. RB Rubber regularly operates a nationwide distribution center in Mountain Top, Luzerne County, Pennsylvania.
4. RB Rubber regularly conducts business in the Commonwealth of Pennsylvania, offers its products for sale in the Commonwealth of Pennsylvania and maintains an established place of business in the Commonwealth of Pennsylvania.

**Jurisdiction and Venue**

5. This Court’s jurisdiction is invoked pursuant to the patent laws of the United States, 35 U.S.C. § 1, *et seq.*
6. This Court has jurisdiction over the subject matter under the provisions of 28 U.S.C. § 1338(a).

7. This Court has personal jurisdiction over RB Rubber as RB Rubber regularly conducts business in Pennsylvania, offers its products for sale in Pennsylvania, and operates a nationwide distribution center in Pennsylvania.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b), as RB Rubber is subject to personal jurisdiction in this District and has an established place of business in this District.

## COUNT I

### Infringement of U.S. Patent No. 6,920,723

9. DRI is the owner of the entire right, title and interest, in and to U.S. Patent 6,920,723 ("the '723 patent") issued July 26, 2005, and entitled "Impact Sound Insulation," a copy of which is attached hereto, made a part hereof, and marked Exhibit A.

10. Upon information and belief, Defendant RB Rubber has made, used, offered to sell, sold and may now or in the future make, use and/or sell, in the United States, an invention described and claimed by the '723 Patent, with the manufacture and sale of at least its RB Rubber SILENT TREAD<sup>TM</sup> product line.

11. Upon information and belief, Defendant RB Rubber has made, used, offered to sell, sold and may now or in the future make, use and/or sell, in the United States, an invention described and claimed by the '723 Patent, with the manufacture of a product line substantially identical to its RB Rubber SILENT TREAD<sup>TM</sup> product line, for sale under private label.

12. RB Rubber's activities in connection with the above-identified acts constitute infringement of DRI's '723 Patent pursuant to the provisions of 35 U.S.C. § 1, *et seq.*

13. RB Rubber has infringed said Patent by, *inter alia*, making, using, offering to sell and selling in the United States the invention described and claimed in the '723 Patent without the authority or approval of DRI.

14. RB Rubber is liable for direct infringement, contributory infringement and inducing infringement of DRI's '723 Patent pursuant to 35 U.S.C. § 271.

15. Upon information and belief, the infringing activities of RB Rubber have been deliberate, knowing and willful.

16. Upon information and belief, RB Rubber will continue to infringe the '723 Patent to DRI's irreparable injury and other damage unless enjoined by the Court. DRI has no adequate remedy at law.

**Prayer for Relief**

Wherefore, DRI demands the following relief with respect to U.S. Patent No. 6,920,723.

- a. This Court enter a judgment that RB Rubber has infringed U.S. Patent No. 6,920,723;
- b. That RB Rubber, its successors, privies, all through or under it and all those acting for it or on its behalf, be preliminarily and thereafter permanently enjoined from infringing said Patent, through RB Rubber's manufacture and direct sale and sale under private label of infringing products;
- c. That RB Rubber be required to account to DRI for all damages suffered by DRI resulting from the infringement of U.S. Patent No. 6,920,723, through manufacture and direct sale and sale under private label, and that the recovered damages be trebled because of the willful nature of the infringement, an amount believed to be in excess of \$150,000.00; and,

d. That DRI be granted such other and further relief which this Court may seem just and proper, together with the costs and disbursements of this action, including attorney's fees.

**Demand for a Jury Trial**

DRI demands a jury trial on all issues so triable.

Respectfully submitted,

BARLEY SNYDER LLC

Dated: January 31, 2006

By: /s/ George C. Werner

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